

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**  
Case No.: 3:08-cv-143

PORATALES PLACE PROPERTY, LLC,

Plaintiff,

v.

MARIO GUESS a/k/a JERRY DEMARIO  
GUESS a/k/a J.D. GUESS a/k/a JERRY D.  
GUESS, LIGNA ACQUISITION GROUP, LLC,  
and THP ESCROW SERVICES CORP.,

Defendants.

**ORDER  
TO APPEAR AND SHOW CAUSE**

This matter is before the Court on the Motion of Plaintiff Portales Place Property, LLC (“Plaintiff”) for an order for the civil arrest and bail of Mario Guess a/k/a Jerry Demario Guess a/k/a J.D. Guess a/k/a Jerry D. Guess (“Guess”) or, in the alternative, for an order directing Guess to appear and show cause why the Court should not issue an order for his arrest pursuant to N.C. Gen. Stat. § 1-409 *et seq.*

This Court, having reviewed and considered all matters of record finds as follows:

1. North Carolina law provides that a defendant may be civilly arrested “when the action is brought to recover damages for fraud and deceit” or “when the defendant has removed, or disposed of his property, or is about to do so, with the intent to defraud his creditors.” N.C. Gen. Stat. § 1-410(4) and (5)

2. Ligna received over \$1,550,000 from various persons (including Plaintiff) between January 10, 2008 and March 6, 2008, with at least some of the money being transferred directly to Guess. On Wednesday, April 23, 2008, Guess filed a Verified Disclosure stating that Ligna now has virtually no assets.

3. It appears that Arrest and Bail is an appropriate remedy in this case because it appears, based upon the record currently before the Court, that Ligna is a sham enterprise by which Guess obtained money from Plaintiff under false pretenses pursuant to a fraudulent scheme. The record also indicates that Guess surreptitiously transferred much of Plaintiff’s money to a personal bank account located outside the State of North Carolina.

It is therefore ORDERED and DECREED that Mario Guess a/k/a Jerry Demario Guess a/k/a J.D. Guess a/k/a Jerry D. Guess shall appear before this Court on April 30, 2008 at 2:00 PM in Courtroom 3 at the Federal

Courthouse located at 401 West Trade Street, Charlotte, North Carolina to show cause why the Court should not issue an order for his arrest pursuant to N.C. Gen. Stat. § 1-409 *et seq.*

SO ORDERED.

Signed: April 28, 2008



Graham C. Mullen  
United States District Judge

